

REMARKS/ARGUMENTS

Claims 1-20 are currently a part of this application.

Claims 1-3, 5-8, 10, 11 and 13-20 have been rejected. Claims 4, 9 and 12 were previously withdrawn.

I. Claim Rejections Under 35 U.S.C. § 112

Claims 1-3, 5-8, 10, 11 and 13-20 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, amended claims 1 and 15 contain the limitation "non-asphaltic" and the specification does not disclose that asphalt is excluded from the top coating. Accordingly, Examiner believes this limitation is considered new matter.

Applicants respectfully disagree with Examiner's § 112 rejection but in order to expedite the present application, Applicants have deleted the subject matter that the Examiner deemed as new subject matter. Accordingly, the above rejection is traversed.

II. Conclusion

In view of the aforementioned remarks and amendments, the Applicants believe that each of the pending claims is in condition for allowance. If, upon receipt and review of this amendment, the Examiner believes that the present application is not in condition for allowance and that changes can be suggested which would place the claims in allowable form, the Examiner is respectfully requested to contact Applicants' undersigned counsel at the number provided below.

Appl. No. 10/749,672
Amdt. dated August 6, 2007
Reply to Office Action of April 5, 2007

Please charge any necessary fees that may be due in connection with this filing, or credit any overpayments, to Deposit Account No. 03-1250, Reference No. FDN-2799, Customer No. 43,309.

Date: August 6, 2007


~~Respectfully submitted,~~

Philip Braginsky
Reg. No. 40,527

Sills Cummis Epstein & Gross P.C.
One Riverfront Plaza
Newark, New Jersey 07102-5400
Telephone: 973-643-5312